

ILIO'ULAOKALANI COALITION,  
a Hawaii, nonprofit corporation;  
NA'IMI PONO, a Hawaii  
unincorporated association; and  
KIPUKA, a Hawaii unincorporated  
association,

Plaintiffs,

v.

ROBERT M. GATES, Secretary of  
United States Department of  
Defense; and PETER M. GEREN,  
Acting Secretary of the United  
States Department of the Army,

Defendants.

) CIVIL NO.04-00502 DAE BMK  
)  
) DECLARATION OF  
) BARRY A. WEINER IN SUPPORT  
) OF DEFENDANTS' OPPOSITION  
) TO PLAINTIFFS' EX PARTE  
) MOTION TO EXPEDITE THEIR  
) APPEAL OF THE MAGISTRATE  
) JUDGE'S MARCH 23, 2007 ORDER;  
) EXHIBITS 1-3  
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I, BARRY A. WEINER, declare under penalty of perjury that:

1. I am a trial attorney with the U.S. Department of Justice, Environment & Natural Resources Division, serve as co-counsel for the Federal Defendants in this matter with James Gette and Harry Yee, an Assistant U.S. Attorney for the District of Hawaii.
2. I make this declaration in support of the Defendants' Opposition to Plaintiffs' Ex Parte Motion to Expedite their Appeal of the Magistrate Judge's March 23, 2007 Order. This declaration is based on my personal knowledge, and I am competent to testify about the matters contained herein.
3. Attached hereto as Exhibit 1 is a true and accurate copy of Defendants' March 20, 2007 Letter Brief to Magistrate Judge Kurren.
4. Attached hereto as Exhibit 2 is a true and accurate copy of correspondence from James Gette to David Henkin dated March 27, 2007.
5. Attached hereto as Exhibit 3 is a true and accurate copy of correspondence from Barry Weiner to David Henkin dated April 2, 2007.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed this 3rd day of April, 2007

Barry A. Weiner  
Barry A. Weiner